

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAMONE WOODS,

Plaintiff,

vs.

SGT BOWLIN, LT A.J. MORRIS, CO
MISHLER, JOHN DOE, STATE
CORRECTIONAL INSTITUTION
GREENE, PENNSYLVANIA
DEPARTMENT OF CORRECTIONS,

Defendants.

2:20-CV-01376-CCW

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On July 14, 2021, the Magistrate Judge issued a Report, ECF No. 45, recommending that Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 36, should be granted in part and denied in part. Service of the Report and Recommendation was made on Plaintiff, and no objections have been filed.

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation, it is hereby **ORDERED** that Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 36, is granted in part and denied in part as follows:

1. Defendants' Motion is GRANTED to the extent that it seeks the dismissal with prejudice of the DOC, SCI Greene and all official-capacity claims from this lawsuit;
2. Defendants' Motion is GRANTED to the extent that it seeks the dismissal with prejudice of Count 1 and Count 2;

3. Defendants' Motion is **DENIED** to the extent that it seeks the dismissal of the intentional infliction of emotional distress claim Plaintiff asserts against CO Mishler in Count 3; and
4. Defendants' Motion is **DENIED** to the extent that it seeks the dismissal of the retaliation claim Plaintiff raises against Lt. Morris in Count 4.

It is further **ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 45, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 5th day of August, 2021.

BY THE COURT:

s/ Christy Criswell Wiegand
Christy Criswell Wiegand
United States District Judge

Cc: Inmate Accounting Office
SCI Coal Township,
One Kelley Drive
Coal Township, PA 17866

SHAMONE WOODS
JM0113
SCI Coal Township
One Kelley Drive
Coal Township, PA 17866